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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) NO. CR 10-0409 JSW

Plaintiff,)

v.)

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

LEVIN RODRIGUEZ-HERNANDEZ,)
a/k/a Jose Valle-Rodriguez,)
a/k/a Christian Cruz-Cruz,)
a/k/a Miguel Hector Martinez,)
a/k/a Jose Rodriguez,)

Defendant.)

On July 1, 2010, the parties in this case appeared before the Court for a status conference. At that time, the Court set a further status / change of plea hearing for August 12, 2010 at 2:30 p.m. The parties also agreed to exclude the period of time between July 1, 2010 and August 12, 2010 from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation of

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counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: July 9, 2010

_____/s/_____
ANNA TRYON PLETCHER
Special Assistant United States Attorney

DATED: July 9, 2010

_____/s/_____
JODI LINKER
Attorney for LEVIN RODRIGUEZ-HERNANDEZ

~~PROPOSED~~ ORDER

For the reasons stated above and at the July 1, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from July 1, 2010 through August 12, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny counsel for the defendant and for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: July 12, 2010



THE HONORABLE JEFFREY S. WHITE
United States District Judge